

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL CASE NO. 1:10cr35-1**

**UNITED STATES OF AMERICA,**

**vs.**

**RIGOBERTO GOMEZ FLORES.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's Motion to Continue [Doc. 20].

On May 12, 2010, a criminal complaint was filed against the Defendant. [Doc. 1]. Although the Defendant had an initial appearance in connection with that complaint on May 13, 2010, the indictment was not filed until June 1, 2010. [Doc. 15]. In the indictment, the Defendant has been charged with conspiracy to possess with intent to distribute cocaine and possession of cocaine, in violation of 21 U.S.C. §§841(a)(1) and 846. [Doc. 15]. The Defendant was arraigned on the bill of indictment on June 7, 2010 and his case was placed on the June 29, 2010 trial calendar.

The Defendant has moved to continue, stating that he may not be forced to trial less than thirty days from his first appearance through counsel on the indictment. "Unless the defendant consents in writing to the contrary, the trial shall not commence less than thirty days from the date on

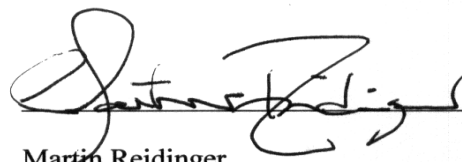
which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se." 18 U.S.C. §3161(c)(2). The Defendant here has not so consented and thus, his trial may not start less than thirty days from his appearance with counsel at arraignment.

In addition, the Court finds that without a continuance, counsel would not have the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv).

For the reasons stated herein, the ends of justice served by continuing this case outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A).

**IT IS, THEREFORE, ORDERED** that the above-captioned case is hereby **CONTINUED** from the June 29, 2010 term in the Asheville Division.

Signed: June 8, 2010

  
Martin Reidinger  
United States District Judge

